IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 5127 of 1998

Between:

G. Vijayalaxmi, W/o late G. Raja Rao,
R/o Qr.No.SD-399, J.K. Colony,
Yellandu Area, Yellandu, Khammam Dist.

..... PETITIONER

AND

1 Singareni Collieries Co. Ltd., rep. by its Managing Director,
Kothagudem, Khammam District.
2 The General Manager (Personnel),

Singareni Collieries Co. Ltd.
Yellandu Area, Yellandu,
Khammam District.
3 Agent J.K. Group of Mines,

Singareni Collieries Co. Ltd.
Yellandu, Khammam District.
4 T.S.R. Anjaneyulu, Short Firer, JK-5 Incline,
Yellandu Area, Yellandu,
Khammam District.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Mandamus declaring the charge sheet Proceedings No.JK/24/1098 dt: 26-4-1997 and the consequential proceedings No.YCP/43/2051 dt: 6-11-1997 cancelling the allotment of quarter No.SD-399 and also imposing penal rent recovery from November, 1997 by proceedings No.GM/YA/43 dt: 20-11-1997 of the 2nd respondent herein as

wholly illegal, arbitrary and without jurisdiction and consequently set aside the same and direct the respondents to allow the petitioner to continue in Qr.No.SD-399, JK Colony Area.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondents: MR.K.SRINIVASAMURTHY

The Court made the following :

ORDER:

The petitioner, who is working as General Mazdoor, is the wife of late G.Raja Rao, who worked as Short Firer in Singareni Collieries, approached this Court and filed this Writ Petition for a declaration that the charge sheet Proceedings No.JK/24/1098, dated 26-04-1997 and the consequential Proceedings No.YCP/43/2051, dated 06-11-1997 cancelling the allotment of Quarter No.SD-399 and also imposing penal rent recovery from November, 1997 as wholly illegal, arbitrary and without jurisdiction and consequently for a direction to allow the petitioner to continue in the said quarter.

According to the petitioner, while her husband was working as a Short Firer, he was allotted with Quarter No.SD-399 in the month of October, 1986, and subsequently her husband died on 22-04-1993. Pursuant to the death of the petitioner's husband, the petitioner was provided with compassionate appointment and accordingly she was appointed as a General Mazdoor and she continued to be in possession of the said quarter. According to the petitioner, though she never sub-let her quarter i.e., SD-399, the respondents asked her to vacate the premises holding that she is no more entitled to stay in the said quarter and further initiated disciplinary proceedings also on the ground that the petitioner sub-let the said quarter to one T.S.R. Anjaneyulu i.e., 4th respondent herein. At that juncture, she approached this Court and filed the present writ petition.

It is unnecessary to delve into various facts narrated by the petitioner as well as the respondents in the counter affidavit.

Admittedly, the Quarter No.SD-399 was allotted to the petitioner's husband who was working as a Short Firer. The petitioner, who was appointed on compassionate grounds is only a General Mazdoor and in my considered view she is not entitled to continue to occupy the said quarters as they are earmarked for certain categories. Taking the fact that the petitioner was appointed on compassionate grounds, the

authorities ought to have provided her with suitable accommodation so that she would live comfortably.

Accordingly, I dispose of the writ petition with a direction to the respondents to provide proper accommodation taking the job of the petitioner into consideration and till such time the petitioner shall be allowed to continue in Quarter No. SD-399.

Accordingly, the writ petition is disposed of. No costs.

GOPALA KRISHNA TAMADA, J

Date: 08-12-2-004.

Chvn.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Managing Director,Singareni Collieries Co. Ltd.,
Kothagudem, Khammam District.
2 The General Manager (Personnel),

Singareni Collieries Co. Ltd.
Yellandu Area, Yellandu,

Khammam District.

3 Agent J.K. Group of Mines,

Singareni Collieries Co. Ltd.
Yellandu, Khammam District.

4 Two C.D. copies.